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DISTRICT OF UTAH

BY: _____
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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	Case No.: 2:09 CR 045 TS
	:	
Plaintiff,	:	S E A L E D
	:	
vs.	:	SUPERSEDING INDICTMENT
	:	
KEVIN SHUMWAY, SHARON EVETTE	:	VIO. 16 U.S.C. § 470ee, 18 U.S.C. §§
SHUMWAY, and DAVID A. LACY,	:	641, 1170, 2
	:	TRAFFICKING IN STOLEN
Defendants.	:	ARTIFACTS, THEFT OF
	:	GOVERNMENT PROPERTY,
	:	TRAFFICKING IN NATIVE
	:	AMERICAN CULTURAL ITEMS,
	:	AIDING AND ABETTING,
	:	FORFEITURE

The Grand Jury charges:

COUNT 1

On or about July 25, 2007, in the Central Division of the District of Utah,

KEVIN SHUMWAY

defendant herein, did knowingly sell and offer to sell an archaeological resource, to wit: a repaired basket, which was excavated or removed from public lands in violation of Federal law, which resource was valued in excess of \$500, all in violation of 16 U.S.C. § 470ee.

COUNT 2

On or about July 25, 2007, in the Central Division of the District of Utah,

KEVIN SHUMWAY

defendant herein, did knowingly sell and offer to sell an archaeological resource, to wit: five (5) sandals, which was excavated or removed from public lands in violation of Federal law, which resource was valued in excess of \$500, all in violation of 16 U.S.C. § 470ee.

COUNT 3

On or about July 25, 2007, in the Central Division of the District of Utah,

KEVIN SHUMWAY

defendant herein, did embezzle, steal, purloin and knowingly convert to his own use and without authority did sell property of the United States with a value of more than \$1,000, to wit: one repaired basket, and five (5) sandals belonging to the United States, all in violation of 18 U.S.C. § 641.

COUNT 4

On or about July 25, 2007, in the Central Division of the District of Utah

KEVIN SHUMWAY

defendant herein, did knowingly sell and offer to sell an archaeological resource, to wit: a hafted axe, which was excavated or removed from public or Indian lands in violation of federal law, which resource was valued in excess of \$500, all in violation of 16 U.S.C. § 470ee.

COUNT 5

On or about October 8, 2007, in the Central Division of the District of Utah,

KEVIN SHUMWAY and SHARON EVETTE SHUMWAY

defendants herein, did knowingly sell and offer to sell an archaeological resource, to wit: a woven basket, which resource had been excavated or removed from public lands in violation of Federal law, which resource was valued in excess of \$500, and did aid and abet therein, all in violation of 16 U.S.C. § 470ee and 18 U.S.C. §2.

COUNT 6

On or about October 8, 2007, in the Central Division of the District of Utah,

KEVIN SHUMWAY and SHARON EVETTE SHUMWAY

defendants herein, did embezzle, steal, purloin and knowingly convert to their own use and without authority did sell property of the United States with a value of more than \$1,000, to wit: a woven basket belonging to the United States, and did aid and abet therein, all in violation of 18 U.S.C. §§ 641 and 2.

COUNT 7

On or about December 11, 2007, in the Central Division of the District of Utah,

KEVIN SHUMWAY and DAVID A. LACY

defendants herein, did knowingly sell and offer to sell an archaeological resource, to wit: a turkey feather blanket, which resource had been excavated or removed from public lands in violation of Federal law, which resource was valued in excess of \$500, and did aid and abet therein, all in violation of 16 U.S.C. § 470ee and 18 U.S.C. §2.

COUNT 8

On or about December 11, 2007, in the Central Division of the District of Utah,

KEVIN SHUMWAY and DAVID A. LACY

defendants herein, did knowingly sell, use for profit, and transport for sale or profit, Native American cultural items, to wit: a turkey feather blanket, which was obtained in violation of the Native American Grave Protection and Repatriation Act, and did aid and abet therein, all in violation of 18 U.S.C. §§ 1170(b) and 2.

COUNT 9

On or about December 11, 2007, in the Central Division of the District of Utah,

KEVIN SHUMWAY and DAVID A. LACY

defendants herein, did embezzle, steal, purloin and knowingly convert to their own use and without authority did sell property of the United States with a value of more than \$1,000, to wit: a turkey feather blanket, and did aid and abet therein, all in violation of 18 U.S.C. §§ 641 and 2.

COUNT 10

On or about January 15, 2008, in the Central Division of the District of Utah,

KEVIN SHUMWAY and DAVID A. LACY

defendants herein, did knowingly sell and offer to sell an archaeological resource, to wit: a basket mat fragment and a female apron/loin cloth, which resource was excavated or removed from public lands in violation of Federal law, which resource was valued in excess of \$500, and did aid and abet therein, all in violation of 16 U.S.C. § 470ee and 18 U.S.C. §2.

COUNT 11

On or about January 15, 2008, in the Central Division of the District of Utah,

KEVIN SHUMWAY and DAVID A. LACY

defendants herein, did knowingly sell and offer to sell archaeological resources, to wit: one complete woven sandal and two partial woven sandals, which are not the archaeological

resources referred to in Count 12, which were excavated or removed from public lands in violation of Federal law, which resources were valued in excess of \$500, and did aid and abet therein, all in violation of 16 U.S.C. § 470ee and 18 U.S.C. § 2.

COUNT 12

On or about January 15, 2008, in the Central Division of the District of Utah,

KEVIN SHUMWAY and DAVID A. LACY

defendants herein, did embezzle, steal, purloin and knowingly convert to their own use and without authority did sell property of the United States with a value of more than \$1,000, to wit: a basket mat fragment, a female apron/loin cloth, and one complete and two partial woven sandals, (as described in Counts 10 and 11), belonging to the United States, and did aid and abet therein, all in violation of 18 U.S.C. §§ 641 and 2.

COUNT 13

On or about January 15, 2008, in the Central Division of the District of Utah,

KEVIN SHUMWAY and DAVID A. LACY

defendants herein, did knowingly sell and offer to sell archaeological resources, to wit: two woven fiber sandals, which were excavated or removed from public lands in violation of Federal law, which resources were valued in excess of \$500, and did aid and abet therein, all in violation of 16 U.S.C. § 470ee and 18 U.S.C. §2.

COUNT 14

On or about January 15, 2008, in the Central Division of the District of Utah,

KEVIN SHUMWAY and DAVID A. LACY

defendants herein, did knowingly sell, use for profit, or transport for sale or profit, Native American cultural items, to wit: two woven fiber sandals (as described in Count 13), which were obtained in violation of the Native American Grave Protection and Repatriation Act, and did aid and abet therein, all in violation of 18 U.S.C. §§ 1170(b) and 2.

COUNT 15

On or about January 15, 2008, in the Central Division of the District of Utah,

KEVIN SHUMWAY and DAVID A. LACY

defendants herein, did embezzle, steal, purloin and knowingly convert to their own use and without authority did sell property of the United States with a value of more than \$1,000, to wit: two woven fiber sandals (as described in Counts 13 and 14), belonging to the United States, and did aid and abet therein, all in violation of 18 U.S.C. §§ 641 and 2.

NOTICE OF INTENTION TO SEEK FORFEITURE

As a result of committing the offenses alleged in Counts 1 through 15 of this Indictment, the Defendants shall forfeit to the United States pursuant to 16 U.S.C. §470gg(b) all archaeological resources with respect to which a violation of 16 U.S.C. § 470ee occurred and all vehicles and equipment of any person which were used in any manner or part to commit and facilitate the commission of such offense.

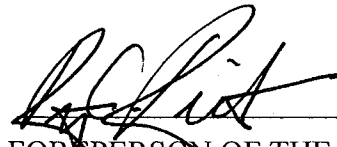
The defendants shall also forfeit to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(C), 1956(c)(7)(D) and 28 U.S.C. § 2461 any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 641.

If any of the property described above, as a result of any act or omission of the Defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without

difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c).

A TRUE BILL:



FOREPERSON OF THE GRAND JURY

BRETT L. TOLMAN
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